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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,442	03/01/2004	Subash Kalbarga	60046.0067US01	9788
53377 7590 09/20/2007 HOPE BALDAUFF HARTMAN, LLC 1720 PEACHTREE STREET, N.W SUITE 1010 ATLANTA, GA 30309			EXAMINER LIU, LIN	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,442

Applicant(s)

KALBARGA, SUBASH

Examiner

Lin Liu

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/01/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed on 03/01/2004.

Claims 1-14 are pending and have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **7, 8 12 and 13** are rejected under 35 U.S.C 102 (b) as being anticipated by **Boss et al. (Patent no.: US 6,157,618)**.

With respect to **claim 7**, Boss teaches A system for setting and receiving time data on a computer management device, the method comprising

a server computer having associated therewith a computer management device (Boss, fig. 4 and 11, UserMon Server), the computer management device having real time clock (Boss, col. 5, lines 59-64, and col. 10, lines 55-60, it is also an inherent feature for any server computer to have a timer clock) and operative to generate health information regarding the operation of the server computer (Boss, col. 13, lines 16-26, noted that the UserMon server generates a response to data gathering client with a StatusCode field, which indicates weather data was successfully processed); and

a remote computer operative to execute a web browser and a plug-in module for use with the web browser (Boss, fig. 11, and col. 7, lines 8-30), the plug-in module

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operative to receive a request to set the real time clock (Boss, col. 7, lines 8-14), to receive a current time at the remote computer (Boss, col. 7, lines 8-3, col. 12, lines 18-25 and col. 13, 27-32), to convert the current time at the remote computer to Greenwich Mean Time (Boss, col. 12, lines 18-25 and col. 13, lines 27-32, noted that the GMT time is synchronized with the local time), and to issue a command to the computer management device to set the real time clock to Greenwich Mean Time (Boss, col. 12, lines 52-59).

With respect to **claim 8**, Boss teaches the system of Claim 7, wherein the web browser is operative to connect to the computer management device and to receive the health information (Boss, col. 7, lines 8-54 and col. 13, lines 15-32), and wherein the plug-in module is further operative to analyze the health information to determine whether time data is contained therein (Boss, lines 15-32), to convert the time data from Greenwich Mean Time to a local time of the remote computer in response to determining that time data is contained therein (Boss, col. 12, lines 18-25 and col. 13, lines 27-32, noted that the GMT time is synchronized with the local time), and to replace the time data with the converted local time (Boss, col. 13, lines 27-32, noted that the GMT time is synchronized with the local time).

In regard to **claims 12-13**, the claim limitations of these claims are substantially the same as those in claim 7-8, Therefore, the supporting rationale of the rejection to claims 7-8 applies equally as well to claims 12-13.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-6, 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Boss et al. (Patent no.: US 6,157,618)** in view of **Dawson (Publication no.: US 2002/0042765 A1)**.

With respect to **claim 1**, Boss teaches a method for interpreting time data received from a server computer management device (Boss, fig. 11), the method comprising:

setting a real time clock on the management device to Greenwich Mean Time (Boss, fig. 11, col. 10, lines 55-60 and col. 12, lines 11-51, noted that the UserMon server logs the performance-parameter of the data-gathering client in GMT time);

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receiving data from the management device at a remote computer (Boss, fig. 11, and col. 13, lines 15-32, noted that the UserMon server issues response to the data-gathering client);

determining whether the received data includes time data (Boss, col. 13, lines 27-32, noted the GMTTime field);

in response to determining that the received data includes time data, converting the time data from Greenwich Mean Time to a local time (Boss, col. 12, lines 18-25 and col. 13, lines 27-32, noted that the GMT time is synchronized with the local time);

replacing the time data in the received data with the local time (Boss, col. 13, lines 27-32, noted that the GMT time is synchronized with the local time);

and a display (Boss, fig. 14, and col. 18, lines 10-12, noted the monitor 1447).

However, Boss does not explicitly disclose a method of displaying the received data.

In the same field of endeavor, Dawson teaches a method of displaying the received log data corresponding to a GMT time on a display (Dawson, fig. 1C).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of displaying the received log data corresponding to a GMT time on a display as taught by Dawson in Boss' invention in order to show the parameter-performance statistics of the data-gathering client and providing an user friendly, easy and interactive interface for users.

With respect to **claim 2**, Boss teaches the method of Claim 1, wherein setting the real time clock on the management device to Greenwich Mean Time comprises

receiving a local time, converting the local time to Greenwich Mean Time (Boss, col. 10, lines 55-60), and issuing a command to the management device to set the real time clock to Greenwich Mean Time (Boss, col. 12, lines 52-59).

With respect to **claim 3**, Boss teaches the method of Claim 2, wherein the local time comprises the local time at a remote computer utilized to access the management device (Boss, col. 10, lines 55-60 and col. 13, lines 27-32).

With respect to **claim 4**, Boss teaches all the claimed limitations, except that he does not explicitly disclose a method of displaying the received data.

In the same field of endeavor, Dawson teaches a method of displaying the received log data corresponding to a GMT time on a display (Dawson, fig. 1C).

In regard to **claims 5-6**, the claim limitations of these claims are substantially the same as those in claim 1, but in a computer program and an apparatus form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claims 5-6.

With respect to **claim 9**, Boss teaches a web browser (Boss, col. 7, lines 8-14) and a display (Boss, fig. 14, monitor 1447).

However, Boss does not explicitly disclose a method of displaying the received data with the converted time data.

In the same field of endeavor, Dawson teaches a method of displaying the received log data corresponding to a GMT time on a display (Dawson, fig. 1C).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the web browser to display the received log data with

the corresponding GMT time the display, since the only communication protocol used in between the data-gathering client and the UserMon is HTTP protocol (Boss, col. 7, lines 8-54). The motivation to incorporate this method is to show the parameter-performance statistics of the data-gathering client and providing a user friendly, easy and interactive interface for users.

In regard to **claim 10**, the claim limitations of these claims are substantially the same as those in claim 7. Furthermore, Boss also discloses that UserMon system includes more than one data-gathering clients (Boss, col. 12, lines 43-51). Therefore, the supporting rationale of the rejection to claim 7 applies equally as well to claim 10.

In regard to **claims 11 and 14**, the claim limitations of these claims are substantially the same as those in claim 9. Therefore, the supporting rationale of the rejection to claim 9 applies equally as well to claims 11 and 14.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Clark et al. (Publication no.: US 2004/0039813 A1) discloses a scalable wireless remote control and monitoring system with automatic registration and automatic time syn.
- Yagi et al. (publication no.: US 2004/0249837 A1) discloses a method of managing network of game machines.

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- Ehrlich et al. (Patent no.: US 6,370,161 B1) discloses time syn. of distributed computer telephony communication applications in a computer network.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L. Liu
09/15/2007


JASON CARDONE
SUPERVISORY PATENT EXAMINER